

REMARKS

Claims 1-44 remain pending in the present application. No new matter has been added.

Double Patenting

The present office action states that Claims 1, 5, 14, 16, 21, 31, 37, 43 and 44 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1, 9, 12-13, 15, 17, 19 and 22 of copending Application No. 10/772025.

A terminal disclaimer in compliance with 37 CFR § 1.321(c) is being submitted concurrent with the instant response, thereby obviating the double patenting rejection.

Claim Rejections - 35 U.S.C. §102

Claims 1-44

The present office action states that Claims 1-44 are rejected under 35 U.S.C. § 102(e) as being anticipated by Doherty et al. (6,920,567). Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-44 are not anticipated by Doherty et al. for the following reasons.

Applicants respectfully state that Claim 1 (and similarly Claims 16 and 31) include the feature “A method for selectively controlling access to media disposed on a media storage device, said method comprising:

installing a compliance mechanism on a computer system, said compliance mechanism communicatively coupled with said computer system when installed thereon, said compliance mechanism for enforcing compliance with a usage restriction applicable to said media;

obtaining control of a data pathway operable on said computer system;
accessing data disposed on said media storage device to determine said usage restriction; and

selectively preventing said computer system from digitally accessing said media via said data pathway while enabling presentation of the media.” (Emphasis added)

According to the Federal Circuit, “[a]nticipation requires the disclosure in a single prior art reference of each claim under consideration” (W.L. Gore & Assocs. v. Garlock Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983)).

Moreover, in order to establish anticipation under 35 U.S.C. § 102 the cited art must not only disclose all elements of the claim, but must also disclose those elements “arranged as in the claim.” Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 1548 (Fed. Cir. 1983).

Applicants respectfully disagree with the Examiner that Doherty et al. anticipates the claimed features and discloses all the elements arranged as in the Claims.

That is, Applicants have reviewed Doherty et al. and do not understand Doherty et al. to anticipate obtaining control of a data pathway operable on said computer system; accessing data disposed on said media storage device to determine said usage restriction;

and selectively preventing said computer system from digitally accessing said media via said data pathway while enabling presentation of the media.

For this reason, Applicants respectfully submit Doherty et al. does not disclose all of the claimed features within the four corners of the document. As such, Applicants respectfully submit that since Doherty et al. does not disclose all of the Claimed features and also all of the Claimed features arranged or combined in the same way as recited in Claims 1, 16 and 31, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102(e).

With respect to Claims 2-15, Applicants respectfully state that Claims 2-15 depend from the allowable Independent Claim 1 and recite further features of the present

claimed invention. With respect to Claims 17-30, Applicants respectfully point out that Claims 17-30 depend from the allowable Independent Claim 16 and recite further features of the present claimed invention. With respect to Claims 32-44, Applicants respectfully point out that Claims 32-44 depend from the allowable Independent Claim 31 and recite further features of the present claimed invention. Therefore, Applicants respectfully state that Claims 2-15, 17-30 and 32-44 are also allowable as pending from allowable base Claims.

Claim 6

Applicants respectfully state that Claim 6 includes the feature, “presenting said media using an analog sound rendering device communicatively coupled with said device drive via an analog signal path.” (Emphasis added)

Applicants respectfully disagree with the Examiner that Doherty et al. teaches presenting said media using an analog sound rendering device communicatively coupled with said device drive via an analog signal path.

Applicants have reviewed Doherty et al. including the column and lines provided in the Office Action and do not understand Doherty et al. to teach or anticipate presenting said media using an analog sound rendering device communicatively coupled with said device drive via an analog signal path (emphasis added).

For this additional reason, Applicants respectfully submit Doherty et al. does not disclose all of the claimed features within the four corners of the document. As such, Applicants respectfully submit that since Doherty et al. does not disclose all of the Claimed features and also all of the Claimed features arranged or combined in the same way as recited in Claim 6, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102(e).

Claims 16-44

Applicants respectfully submit that Claim 16 (and similarly Claim 31) includes the feature “selectively restricting said media on said media storage device from being accessed via said digital data pathway while enabling presentation of said media using an analog sound rendering device communicatively coupled with said device drive.” (Emphasis added).

According to the Federal Circuit, “[a]nticipation requires the disclosure in a single prior art reference of each claim under consideration” (W.L. Gore & Assocs. v. Garlock Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983)).

Applicants respectfully disagree with the Examiner that Doherty et al. teaches selectively restricting said media on said media storage device from being accessed via said digital data pathway while enabling presentation of said media using an analog sound rendering device communicatively coupled with said device drive.

Applicants have reviewed Doherty et al. including the column and lines provided in the Office Action and do not understand Doherty et al. to teach or anticipate selectively restricting said media on said media storage device from being accessed via said digital data pathway while enabling presentation of said media using an analog sound rendering device communicatively coupled with said device drive (emphasis added).

For this additional reason, Applicants respectfully submit Doherty et al. does not disclose all of the claimed features within the four corners of the document. As such, Applicants respectfully submit that since Doherty et al. does not disclose all of the Claimed features and also all of the Claimed features arranged or combined in the same way as recited in Claims 16 and 31, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102(e).

With respect to Claims 17-30, Applicants respectfully point out that Claims 17-30 depend from the allowable Independent Claim 16 and recite further features of the

present claimed invention. With respect to Claims 32-44, Applicants respectfully point out that Claims 32-44 depend from the allowable Independent Claim 31 and recite further features of the present claimed invention. Therefore, Applicants respectfully state that Claims 17-30 and 32-44 are also allowable as pending from allowable base Claims.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-44 overcome the rejections of record, and therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
Wagner Blecher LLP

Date: 12/05/2008

/John P. Wagner, Jr./

John P. Wagner, Jr.
Reg. No. 35,398

WESTRIDGE BUSINESS PARK
123 WESTRIDGE DRIVE
WATSONVILLE, CALIFORNIA 95076
(408) 377-0500